

**City of Taylorsville**  
**Planning Commission Meeting Minutes**  
**July 10, 2018**  
**Pre-meeting – 6:00 p.m. – Regular Session – 7:00 p.m.**  
**2600 West Taylorsville Blvd – Council Chambers**

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**Attendance:**


**Planning Commission**

Lynette Wendel – Chair  
John Warnas – Vice Chair  
Anna Barbieri  
Justin Peterson  
Don Quigley  
Kent Burggraaf

**Community Development Staff**

Mark McGrath – Director of Community Development  
Angela Price – Associate Planner  
Amanda Roman – Associate Planner  
Stephanie Shelman – Deputy City Attorney  
Jean Gallegos – Admin Asst/Recorder

**PRESENT:** Marc McElreath, Graden Jackson, Fred Brozovich, Jeffery Brozovich, Steve Glezos, Gary Jeppson, Charyn Wood, Heather Apple, Brenda Jeppson, Jeff Sievert, Bridger Sievert, Kim Mosby, Kevin Despain, Zachary Brodsky, Bryan Carlon, David Young

1.  6:03 PM Briefing session to review the Agenda was conducted in Chambers by Mark McGrath, Director of Community Development at 6:00 p.m. wherein Mr. McGrath discussed each item individually with input from the Commissioners. Agenda included two zoning map amendments and three subdivisions. Session was recorded.
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**WELCOME:** **Commissioner Wendel** assumed duties as Chair, welcomed those present, explained the process to be followed this evening and opened the meeting at 7:00 p.m.

**ZONE CHANGES**

2. 10Z18 – **Keith Nelson** – Zoning Map Amendment to Rezone .23 Acres at 6363 South Timpanogos Way from R-1-8 to R-1-6. (Amanda Roman/Associate Planner) West 4805 South from R-1-8 to Mixed Use (MU). (Angela Price/Associate Planner)

2.1 **Ms. Roman** presented this item. **Keith Nelson** has requested consideration for a zoning map amendment for approximately .23 acres for the property at 6363 S. Timpanogos Way to adjust the lot line between this property and an adjacent lot they own located at 6376 South Mount Hood Drive. The lot line adjustment would increase the size of the Mount Hood Drive property to 15,684 square feet and decrease the size of the property at 6363 South Timpanogos Way to 6,665 square feet. This adjustment would reduce the size of the subject property by 3.185 square feet, making the proposal noncompliant with the current zoning requirements, which is the reason the applicant is now requesting a zone change. Staff's analysis indicates the proposed zoning amendment would be a "spot zone", meaning that a small area of land is in a different classification than that of neighboring properties. Although not necessarily illegal, spot zones are generally considered poor planning practice because they are giving some property owners different rights than others in the same area or district. If this application is approved, the subject property would be Inconsistent with the surrounding R-1-8 zoning.


2.2 **FINDINGS:**


- 2.2.1 This application was initiated by Keith V. Nelson.
- 2.2.2 The property is currently zoned R-1-8 and the applicant is requesting a Zoning Map amendment to R-1-6.




- 2.2.3 The Zoning Map amendment is inconsistent with the surrounding zoning and would create a “spot zone” within existing neighborhoods.
- 2.2.4 A map amendment must be approved or denied by the City Council.


2.3 **STAFF RECOMMENDATION:** Staff recommends the Planning Commission makes a negative recommendation to the City Council for a Zoning Map amendment from R-1-8 to R-1-6 for the property located at 6363 South Timpanogos Way based on the Findings outlined in the Staff Report.

2.4 **APPLICANT ADDRESS:**  7:06 PM **Mr. Jackson** represented the applicant and said this is a modest change to this particular lot. That the applicant has a son with special needs and this change would allow his parents to put in amenities to help him with his special needs and gain more independence. **Mr. Jackson** provided each Commissioner with an aerial map and explained their proposal, saying that there would be no visual difference from the street and that it would create no drastic change nor negative impact for the neighbors. The Nelson’s are not doing this for financial gain and when the smaller home is sold, they would absorb the diminished value thereof. **Mr. Jackson** said he respectfully disagreed with Staff’s comment that all surrounding zoning is R-1-8 and added that there are actually different zones within the immediate area.

 7:11 PM


2.4.1 **Commissioner Burggraaf** asked who currently resides on the smaller lot and **Mr. Jackson** said it was the Nelson’s son. And that they own both properties in question.

2.4.2 **Commissioner Quigley**  7:12 PM said he realized that what is being discussed is the structural issues to be added such as a pool, sports court, etc. He wondered if those improvements would be mutually enjoyed by both Mr. and Mrs. Nelson and their son. **Mr. Jackson** said that was correct. The fence has been taken down already. **Commissioner Quigley** then wanted to know why it could not be engineered to accommodate this without having to do a zone change. Especially because there is not going to be a fence between the properties. He was aware that nothing can be built on a property line but that perhaps it could be moved far enough to adjust that without encroaching on the 8,000 square foot requirement. **Mr. Jackson** said that they have investigated that and in looking directly at the back of the yard, it should be noted the fence has now been removed. A pool and sports court could go side by side, but they couldn’t be perpendicular. They would both have to straddle the line, otherwise to put a pool in one place there would be dead space on either end and by putting the sports court next to it, there would also be dead space and would not utilize the property as well. **Commissioner Quigley** said that the dead space would belong to someone who owns the whole property. Might not be the best use. **Mr. Jackson** said they were interested in maintaining the best functionality of the space. **Commissioner Quigley** said he was just trying to see if this could be made to work any other way than the zone change. **Mr. Jackson** said that nothing else will work to accommodate a regular size pool and sports court.

2.4.3 **Commissioner Wendel**  7:18 PM thanked Mr. Jackson for sharing the family’s story with the Commission and bringing this into perspective. She sees her role as being difficult to compare the R-1-8 and the R-1-6 neighborhood. That Ivory Highlands is a very exclusive neighborhood, which was developed as an island in Taylorsville. That is made very clear with all the walking trails and amenities that already exist, such as the pool, tennis courts, play areas, etc. She added that as much as she would love for the applicants to be able to have the same for their son in addition, it cannot be said that this home can be comparable to an R-1-6 in the area because those neighborhoods referenced previously are 40 years old and were not built as an HOA subdivision with all the amenities that Ivory Highlands has. She admitted it would be hard to sway her on the R-1-6 comparability argument. The other thing that made it difficult for her as a Planning Commissioner is when these type decisions are made, as much as their hearts are understanding of individual situations, decisions cannot be made that impact other areas of the City in a negative way or the reason that neighborhood was created that way was to preserve a really nice area for people. If alterations are allowed to that master plan, she felt that a disservice was being dealt to the neighbors, notwithstanding the point that it is not noticeable from the front yard, was well taken.




Mr. Jackson responded with he was not saying the R-1-6 is the same or that the 40-year old neighborhoods are identical in any fashion other than the staff gave the opinion that it is only surrounded by R-1-8 and that right across the street there is R-1-6 zoned properties. His second point was regarding that this may be perceived as a detriment to the neighbors. All surrounding neighbors are aware of this proposal and the only detriment would be that this particular lot would be shortened in the back yard a bit which would still make it the same size as those neighboring it, therefore, he did not feel there was any negative impact.


2.4.4 Commissioner Peterson  7:20 PM asked for clarification regarding some points; namely the improvements being proposed (the pool and sport court) and wanted to know if they are going to partially be located on the larger parcel. Mr. Jackson advised that they would straddle the properties. Otherwise, there would be no need for this application. Commissioner Peterson said in other words, if the Commission were to deny this today and the property lines stay as is, there is not enough room to make those improvements.


2.4.5 At this point Commissioner Wendel opened the public hearing and asked if there were anyone wishing to speak to this application.

2.5 SPEAKING: No one came forward to speak either in favor or opposition to this application, therefore, Commissioner Wendel closed the public hearing and opened the meeting up for discussion or a motion by the Commission.

2.6 DISCUSSION:


2.6.1 Commissioner Burggraaf said in reviewing this application, the main issue brought up by Staff was "spot zoning". He agreed with the applicant that this would not be such a drastic spot zone to make this an odd parcel in the area. There have been prior discussions looking for opportunities where the Commission might vary the economics of development within subdivisions and provide some variety, making one lot small and another one larger, in potentially a slight way but potentially in a more drastic way financially would make the smaller lot affordable to provide a variety of economic status within a neighborhood. He felt the adjustment being proposed is a reasonable, modest accommodation and would be appropriate in this instance. It is a legislative decision as opposed to an administrative decision, with certain parameters under consideration, one being what the General Plan Map looks like for in a Planning Community Development. Looking at the intent for such development, those areas are specifically on a mind set to allow for variance from what other zones might require.  7:21 PM


2.6.2 Commissioner Quigley said his hang up with any spot zoning is that what is done for one must be done for all. Usually spot zoning is in conflict with that. He felt the presentation tonight was good as far as this being a great idea, but the problem is what will happen next week when somebody else comes in wanting something similar. His thought was that he came here tonight after reading the staff report, with the impression that this was not a good idea. However, looking at the drawings and depth of the back yards he did not think this would make that much of a difference in the neighborhood and he could probably support this but not without some type of engineered drawing showing the whole layout. The applicant has shown why they *want* this but not why they *need* this  7:23 PM


2.6.3  7:25 PM Commissioner Barbieri agreed with the other Commissioners who have spoken. While individually these may seem like minor changes and yet down the road it will come back to bite the City as the precedent has been set. She felt the zoning should be kept as is in order to maintain consistency and protect the neighbors. She was sympathetic with the applicant's request but did not recommend approval for this change currently.

2.6.4 Commissioner Warnas added that right now it is R-1-8 and to change this one lot would create a checkerboard effect. Commissioner Burggraaf asked if the Commission really minded if this would





be checkerboard. In talking about what will happen in the future, which may include some variety as far as who can afford to live where, this may be a good thing. He felt the whole notion of making sure that the zones are locked in as is may not be the best in all cases. He felt the difference between a 6,000 and 8,000 square foot lot did not make it checkerboard and it would still be a single family zoned development. The idea of larger size lots may be an impact in other instances.  7:28 PM. **Commissioner Warnas** added that when Ivory Highlands was put in, it was designed with small lots containing large homes because of the amenities.

- 2.6.5 **Commissioner Wendel** advised this neighborhood was specifically designed a certain way with trails, amenities, is isolated from other neighborhoods and made to look and was designed in a specific way. She did agree with the need for a mixture and more affordability in neighborhoods going forward, but this neighborhood would have needed to be designed that way from the beginning to make it work. She felt that looking for an additional 2,000 square feet when they really can get 1,300 square feet as it is without the Commission jeopardizing the fairness and consistency previously mentioned  7:29 PM



- 2.7 **MOTION:** **Commissioner Quigley** -  7:30 PM I will make a motion to deny File #10Z18 for a zoning map amendment to rezone .23 acres located at 6363 South Timpanogos Way from R-1-8 to R-1-6 based on the findings outlined in the staff report.  
**SECOND:** **Commissioner Barbieri**  
**Commissioner Wendel** repeated the motion to deny File #10Z18 based on the findings presented in the staff report.  
**VOTE:** **Commissioner Peterson** - AYE, **Commissioner Barbieri** - AYE, **Commissioner Quigley** – AYE, **Commissioner Burggraaf** – NAY – **Commissioner Warnas** – AYE. Motion passes 4 to 1.

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| 3. | 11Z18 – John Brozovich – 1795 West 4805 South – Recommendation to the City Council for a zoning map amendment to rezone 1.05 acres located at 1795 West 4805 South from R-1-8 to Mixed Use (MU). (Angela Price/Associate Planner) |
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- 3.1 **Ms. Price** presented this item.  7:32 PM **Fred and John Brozovich** have requested consideration of a zoning map amendment for approximately 1.05 acres at 1795 West 4805 South. The request is from R-1-8 Single Family Residential to Mixed-Use (MU). The Taylorsville Municipal Code provides guidance on the Mixed-Use zone specifically stating in 13.23.260(E)(2) “a parcel shall be at least two (2) acres to assure compliance with building setbacks, landscaping, access, parking and walkability standards.” The applicant’s property is 1.05 acres, therefore does not meet the two-acre requirement for the Mixed-Use zoning designation. Staff received three public comments and 10 calls expressing concern over the re-zone.
- 3.2 **FINDINGS:**
- 3.2.1 This application was initiated by Fred and John Brozovich.
  - 3.2.2 The property is currently zoned R-1-8, the applicant is requesting a Zoning Map amendment to Mixed-Use (MU).
  - 3.2.2 The parcel size is not two acres as required per 13.23.260(E)(2).
  - 3.2.3 The Zoning Map amendment does not meet the purpose of the MU zone as outlined in 13.23.260(A).
  - 3.2.4 A Zoning Map amendment must be approved or denied by the City Council.
- 3.3 **Staff Recommendation:** Staff recommends that the Planning Commission makes a negative recommendation to the City Council for a zoning Map amendment from R-1-8 to Mixed-Use (MU) for the property located at 1795 West 4805 South based on the Findings as outlined in the Staff Report.  7:34 PM




3.4


**APPLICANT ADDRESS:**  Mr. Fred Brozovich – gave a computerized presentation showing what he desires to accomplish with this site.  7:37 PM He said he would address the points featured in the Staff Report. His response to the General Plan map was what they are asking for is a formalization that has already been accepted by the City of Taylorsville over the previous ten-year period for this area. He went over the MU zoning designation on the City map. In addressing the site-specific plan for the 4800 South and Redwood Road vicinity, he showed the home in question along with the back  $\frac{3}{4}$  of the acre being MU. Regarding the zoning analysis he agreed that the Code calls for a two-acre parcel, but the City has already considered in a special way what that property should be zoned. Using the minimum of two acres in this case is a very narrow interpretation of the Municipal Code. The properties to the east are all less than two acres, with the smallest being .29 acres. He advised what they are asking for is consistency with the adjoining property and with what has already been done. He felt the two-acre minimum requirement has been met in considering the entire area which has been planned for some type of redevelopment in the future. Another part of the zoning analysis was allowing mixed use for specific alternative uses. He felt what they are asking for doesn't really change the objective in statute – just creates a larger MU area that would provide more flexibility for the type of mixed use projects that could be envisioned there. The applicant has no current plans to do any type of development there, but two future options would be to either occupy the existing home with a family member or possibly sell the property. Therefore, nothing will change in the foreseeable future but would allow for different uses later on. As far as the public comments previously referenced in the Staff Report go, there were inquiry calls with no official comments given. He felt that was because people were just trying to gather information but did not offer objections. One comment was in regard to not wanting a commercial development there, to which he offered that there are no plans for that to happen anyway. Another comment was not wanting to increase the traffic into that area – which would not happen with such a minor use change. Mr. Brozovich said all they are asking for is greater flexibility to do something with this corner in the future. His conclusion was that the City has already deemed the property as MU. All the property to the east is MU. That the Municipal Code has been met and the property is located near existing transportation hubs, which would make it further conducive to the MU zoning. His immediate interest is to create more flexibility for that corner right now. He suggested an alternative for consideration, which was to leave the home as residential and just do the back  $\frac{3}{4}$  acre as MU. That would keep the home facing the neighborhood residential area and allow the property to be utilized for a higher, better use in the future.

3.5


**DISCUSSION:**

- 3.5.1  7:43 PM Commissioner Burggraaf said that the Commission cannot consider the alternative option today because that is not what has been presented. He asked if there were any expectation that lot might be sold to the MU property next door. Mr. Brozovich said that was probably possible but not under consideration at this juncture. Commissioner Burggraaf suggested that because he felt it would be up to the applicant to accomplish what they are trying to do were it actually sold. Then the two lots would be joined and fulfill the two-acre requirement.
- 3.5.2 Commissioner Wendel said the applicant has stated in his presentation that there were no foreseeable changes to the property and wondered what had prompted them to request this change then. Mr. Brozovich said that it would be a higher, better use of the property and potentially add value thereto. Commissioner Wendel commented that if he was not foreseeing any changes, it seemed odd to her to request this change tonight. Mr. Brozovich said the foreseeable change to the property would be up future developers and that they were only trying to capture a greater value of the property with this proposal for the future.
- 3.5.3 Commissioner Quigley commented that this is a “cart before the horse” proposal in that the perspective buyers usually generate the proposals. Since there is no development being contemplated right now, there is no justification to change the property to MU. If it were up for





sale right now, that might be a different case. He did not feel the timing was right for this at this point in time.  7:48 PM

### 3.6 **SPEAKING:**

3.5.1 **Margie Lewis** lives adjacent to the property to the southwest.  7:49 PM She said she was just here tonight to see what they have in mind. That this has always just been a vacant field, but she did have concerns over the MU property to the east of it, which is basically a junk yard. She was hopeful that it would go to a higher and better use.


3.5.2 **Marc McElreath** lives directly south of this property. His opposition is due to not knowing what exactly is going to happen with this property if this change goes through. The property to the east is a problem and this one is not. He wanted to reserve his opinion until the final decision has been made on what they contemplate doing with their property.

3.7 **DISCUSSION:**  7:51 PM **Commissioner Barbieri** indicated she has always been reluctant to change zoning unless it is known exactly what is being proposed for a certain site. But that she appreciated the applicant coming forward to open a conversation about that whole area. It has been a known fact for many years that the neighbors would like to have the area to the east cleaned up. She felt there was not a great opportunity and encouraged the applicant to approach the owners of that east property to possibly see about acquiring that. **Commissioner Burggraaf** added that normally this type of decision is legislative but as it stands presently it doesn't meet our Taylorsville City Code requirements and would require acquiring property to the east to make it work.

3.8 **MOTION:** **Commissioner Peterson** -  I will make a motion to forward a negative recommendation to the City Council for File #11Z18 for a zoning map amendment from R-1-8 to Mixed Use based on the findings outlined in the Staff Report.  
**SECOND:** **Commissioner Warnas**.  
**Commissioner Wendel** repeated the motion for a negative recommendation to the City Council for a zoning map amendment to rezone 1.05 acres located at 1795 West 4805 South from R-1-8 to Mixed Use (MU), File 11Z18.  
**VOTE:** **Commissioner Peterson** - AYE, **Commissioner Barbieri** - AYE, **Commissioner Quigley** – AYE, **Commissioner Burggraaf** – AYE – **Commissioner Warnas** – AYE. Motion passes unanimously.

### **SUBDIVISIONS**

4. 5S18 – **Zachary Brodsky (Hamlet Homes)** - 3845 West 4700 South – Consideration of a Preliminary Plat for an 87-Lot Subdivision Located at 3845 West 4700 South. (Amanda Roman/Associate Planner)

4.1 **Ms. Roman** presented this item.  7:55 PM

4.1.1 Hamlet Homes has submitted a subdivision application requesting consideration of a preliminary plat for the property at 3845 West 4700 South. That property is currently vacant land and is zoned SSD-R-Muirhouse. The subdivision includes 8.62 acres and 87-lots with approximately .91 acres of which will be sold to UDOT for the future expansion of Bangerter Highway. The zoning designation is Site Specific Development – Residential – Muirhouse (SSD-R-Muirhouse). The SSD.X zone allowed the applicant and staff to work together to create a zoning ordinance based around complete site plan that was approved by the Planning Commission.

4.1.2 The proposed subdivision will have 87 townhomes ranging from 1,034 square feet to 1,457 square feet. Common Area B is a 2.5-acre park for the use of residents of the subdivision. The park is surrounded by a six-foot-tall white vinyl fence on the east side and a six-foot-tall black vinyl coated chain link fence that runs along the Utah and Salt Lake Canal. The proposed subdivision meets the setback requirements for the SSD-R-Muirhouse Zone and has access via 4700 South. Unified Fire Authority approved the single



access with the condition that all lots must be fire sprinkled. The 87-lot subdivision has been through two staff level reviews and has been approved by the Community Development Department, Engineering Department, Taylorsville-Bennion Improvement District and the Unified Fire Authority.

- 4.1.3 On November 14, 2017, the Planning Commission considered an application by Hamlet Homes Development to rezone property located at 3845 West 4700 South from Hospital (H) to RM-12 (Multi-family Residential, with up to 12 dwelling units per acre), as well as a General Plan Map amendment from Professional Office (PO) to High Density Residential (HDR). The Planning Commission decided that a traffic study considering the impacts of higher density development was necessary before they could make a recommendation to the City Council and sent the application back to the Staff level. The traffic study was completed and along with the Zoning Map amendment and General Plan Map amendment applications was brought back to the Planning Commission on December 12, 2017, who subsequently decided to forward a positive recommendation to the City Council on the proposed changes.
- 4.1.4 On January 17, 2018, the City Council heard the Planning Commission's recommendation and although they were mostly supportive of the project, had concerns regarding ensuring that the development would be built as proposed. Also, of concern was how the future interchange at 4700 South and Bangerter Highway would impact the site plan. After discussing those concerns, the City Council voted to direct Staff to develop an SSD (Site Specific Development) zoning regulation to ensure that the proposed project would be developed as was presented. The results were the property would be zoned SSD-R (residential).
- 4.1.5 On April 10, 2018, the Planning Commission recommended approval of the proposed amendments and on April 18, 2018, the City Council passed the Zoning Map Amendment (13Z17), General Plan Map Amendment (2G17), and adopted Chapter 13.39, Site Specific Development – Residential Muirhouse (4Z18) to the Taylorsville Municipal Code. In addition to the new zoning standards, a separate development agreement between the City and Developer was also implemented (Resolution #18-10). Since adoption of the amendments and development agreement, Hamlet Homes Development has continued to work with Staff on their final plat.

#### 4.2 **FINDINGS:**

- 4.2.1 This application was initiated by Hamlet Homes Corporation.
- 4.2.2 The property is zoned SSD-R-Muirhouse.
- 4.2.3 The applicant is requesting preliminary approval for an 87-lot subdivision.
- 4.2.4 The proposed plat meets the required size and setbacks for the SSD-R-Muirhouse zone.
- 4.2.5 There is an existing development agreement that the applicant will adhere to.

#### 4.3 **STAFF RECOMMENDATION:** Staff recommends approval of the Preliminary Plat for an 87-lot subdivision at 3845 West 4700 South, with the following conditions:


- 4.3.1 The original plat for 3845 West 4700 South is amended, if applicable.
- 4.3.2 The property is zoned SSD-R-Muirhouse.
- 4.3.3 The applicant is requesting preliminary approval for an 87-lot subdivision.
- 4.3.4 The Title Report matches the property owner and the signature on the amended plat is consistent with the Title Report.
- 4.3.5 The final plat is compliant with all applicable codes and ordinances.
- 4.3.6 The applicant will comply with the requirements of all reviewing agencies.
- 4.3.7 All applicable fees and bonding are paid prior to recording of the plat.
- 4.3.8 Staff is authorized to issue final approval.


#### 4.4 **APPLICANT ADDRESS:** Zachary Brodsky was present to answer questions. He complemented Ms. Roman on her presentation and expressed his excitement in coming to Taylorsville. 8:02 PM



4.5 **SPEAKING:**  8:04 PM

4.5.1 **Hazel Weight** said that this is her first meeting on this proposal and was curious how traffic will be controlled and about the access to the site. **Ms. Roman** displayed the proposed access on the site plan map image and talked about the traffic study. She reiterated that residential use would be less traffic congestion than would a commercial project. She advised that the City's number one concern was the safety of the occupants and with there being only one access, the requirement is in place to have each unit sprinkled. None of the traffic will cross into the neighborhood next door.

 8:07 PM

4.5.2 **Natalie Watts**.  8:08 PM was also concerned about the traffic, which she considered to be a nightmare. With everyone leaving and coming at the same time, it will make it even worse. **Ms. Roman** assured her that UDOT is in the process of putting in an interchange there and to widen the freeway. Traffic should only back up for one signal change. That is the reason the Planning Commission required a traffic study done by professionals.



4.6 There being no others wishing to speak, **Commissioner Wendel** closed the public hearing and opened the meeting for discussion amongst the Commissioners or a Motion.

4.7 **MOTION:**  8:12 PM **Commissioner Barbieri** – I will make a motion for approval of File #5S18, a preliminary plat for an 87-Lot Subdivision at 3845 W 4700 South, based on the Findings and Staff Conditions of Approval.

**SECOND:** **Commissioner Quigley**.

**VOTE:** **Commissioner Peterson** - AYE, **Commissioner Barbieri** - AYE, **Commissioner Quigley** – AYE, **Commissioner Burggraaf** – AYE – **Commissioner Warnas** – AYE. Motion passes unanimously.

5. 7S18 – Andrew Gutierrez and Sandra McGuire – 4490 and 4488 South Heatherglen Court – Two-Lot Subdivision. (Amanda Roman/Associate Planner)
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5.1 **Ms. Roman** presented this item.  8:13 PM She explained the process for converting a condo to a single-family dwelling and said the applicants have submitted all the proper paperwork and saw no problems or issues contemplated. In 1978, a standard subdivision plat was recorded; however, in 1979, the plat was re-recorded as a condominium plat. When the plat was re-recorded as a condominium plat, provisions were put on the properties including complying with the Utah Condominium Ownership Act and identifying the property as private, limited common and common areas. The original condominium plat that was recorded identifies the area outside of the dwelling units as common space, therefore, legally making the property accessible to both homeowners. Further complicating the matter is the fact that each lot is recorded as a phase of the condominium project and each lot contains two units that carries its own home owner's association, a practice that is uncommon. Many homeowners in the Heatherglen neighborhood are not aware of the unique circumstances tied to their property until they try to sell or refinance the property. Due to these circumstances, the City of Taylorsville rezoned the Heatherglen neighborhood from A-1 to R-2-10 (residential two units per 10,000 square feet), in an effort to restructure the land use so that potential buyers or sellers could obtain financing. Additionally, the zone change allowed homeowners to record a new subdivision plat that would supersede the original condominium plat that was recorded in 1979. The current applicants are in compliance with all required actions to allow this change.  8:17 PM

5.2 **FINDINGS:**

5.2.1 The two properties under question are located at 4490 (Lot 17-A) and 4488 (Lot 17-B), South Heatherglen Court.

5.2.2 The current zoning is R-2-10 (residential two units per 10,000 square feet).





- 5.2.3 This application is to record a simple subdivision plat for 4490 (Lot 17-A) and 4488 (Lot 17-B, south Heatherglen Court).
- 5.2.4 The applicant has submitted all the required documentation.
- 5.2.5 The proposed subdivision is in compliance with the Taylorsville City Code, Chapter 13.20 and 13.30.
- 5.2.6 No adverse impact is expected on any adjacent properties.

5.3 **STAFF RECOMMENDATION:** Staff recommends approval with the following conditions:


- 5.3.1 The plat is recorded with Salt Lake County.
- 5.3.2 A Title Report that is less than 90 days old at time of recording is submitted.
- 5.3.3 The Title Report matches the property owner and the signature on the amended plat is consistent with the title Report.
- 5.3.4 The final plat is compliant with all applicable codes and ordinances.
- 5.3.5 The applicant will comply with the requirements of all reviewing agencies.
- 5.3.6 All applicable fees and bonding are paid prior to recording of the plat.
- 5.3.7 All documentation shall be Reviewed and approved by the City Attorney's Office.
- 5.3.8 All supporting documentation is signed by both parties and submitted to the City before the plat is recorded with Salt Lake County. This documentation includes:
  - 5.3.8.1 Quitclaim deeds;
  - 5.3.8.2 Proof of removal from the Utah Condominium Ownership Act and;
  - 5.3.8.3 A simple subdivision plat must be recorded with Salt Lake County.
- 5.3.9 Staff is authorized to issue final approval.


5.4 At this point **Commissioner Wendel** opened the public hearing.

5.5 **APPLICANT ADDRESS:** **Kimberly Mosley** was present representing the applicants  8:18 PM and asked for approval.

5.6 **SPEAKING:**  8:20 PM **Kevin Despain** said he lives a street away from this and wanted to know why the City can't just do a mass fix for all these properties in Heatherglen. **Mr. McGrath** said that Staff has invested hundreds of hours in an effort to resolve this issue but that a mass fix is not possible due to the number of liens on the properties and the fact that individual home owners must have the opportunity of choice. To **Commissioner Quigley's** question if these could be handled at Staff level rather than referral to the Commission, **Mr. McGrath** replied that they must go before the Planning Commission per City Code requirement.

5.7 There being no others wishing to speak, **Commissioner Wendel** closed the public hearing and opened the meeting up for discussion by the Commission or a motion.

5.8 **MOTION:**  8:22 PM **Commissioner Warnas** – I will make a motion to approve File #7S18, consideration of a preliminary plat for a simple subdivision (2 lots) at 4490 and 4488 South Heatherglen Court.  
**SECOND: Commissioner Peterson.**  
**Commissioner Wendel** repeated the motion to approve File #7S18, preliminary plat for a two-lot subdivision at 4490 and 4488 South Heatherglen Court.  
**VOTE: Commissioner Peterson - AYE, Commissioner Barbieri - AYE, Commissioner Quigley - AYE, Commissioner Burggraaf - AYE - Commissioner Warnas - AYE. Motion passes unanimously**

6. 3S15 – **Steve Glezos** – 5980 South 1250 West – Consideration of a Preliminary Plat for a Six-lot Subdivision.  
 (Angela Price/Associate Planner)  8:23 PM

6.1 **Ms. Price** presented this item.

- 6.1.1 Steve Glezos is requesting a two-year preliminary plat extension for a six-lot subdivision for the property at 5984 South 1300 West for approximately 2.6 acres. The applicant received preliminary plat approval from the Planning Commission on 5/12/15, which has subsequently expired on 6/23/17. The Community Development Director granted an extension on 11/13/17 that expired on 5/12/18. The Director granted an additional extension that expired on 6/1/18. The applicant has not



completed the requirements per 13.30.030(G) to finalize the plat and record it with Salt Lake County, thus requiring another extension. The requested extension would provide the applicant two years to complete the project (7/10/20).

- 6.1.2 The proposed plat meets all setback requirements. The subdivision will have a private lift station that will be maintained by a private sewer association. The City and Taylorsville Bennion Improvement District (TBID) are requiring a Sewer Association Agreement, a note on the plat, and a note on each lot notifying potential property owners of the privately-owned lift station to be recorded with the plat. The proposed preliminary plat containing the plat language and the Sewer Association Agreement were reviewed by appropriate City and TBID's attorneys.
- 6.1.3 The subdivision will have access via Waterway Circle, a public street. The applicant will be required to install curb, gutter, sidewalk (4') and park strip (5') on Waterway Circle, with the exception of the south side of Waterway Circle adjacent to 5959 South Hidden Place Drive.
- 6.1.4 The applicant is requesting special consideration from the Planning Commission for the following:
  - 6.1.4.1 A park strip waiver on Hidden Place Drive to facilitate the development of a storm water detention basin. If the waiver is approved, the applicant would be required to install a 5' sidewalk. Per 13.21.100(P), a waiver must be requested from the Planning Commission and recommended by the City Engineer.
  - 6.1.4.2 The applicant has two options for design of storm water detention along Hidden Place Drive, each will come with a different recommendation by engineering for waiving the park strip: (Following are Engineering's recommendations)
    - 6.1.4.2.1 Option 1 is to design a ground level detention basin sized for the 100-year storm event. Due to width constraints between Hidden Place Drive and the subdivision property line, engineering would recommend waiving the park strip along Hidden Place Drive to facilitate construction of this detention basin.
    - 6.1.4.2.2 Option 2 is to design an underground storm water detention system sized for the 100-year storm event. This option would allow for installation of the underground system below the sidewalk and park strip, and therefore no park strip waiver would be given by engineering.

## 6.2 **FINDINGS:**

- 6.2.1 This application was initiated by Steve Glezos.
- 6.2.2 The property is zoned R-1-8.
- 6.2.3 The applicant is requesting a preliminary plan extension for two years (7/10/20) for a six-lot subdivision.
- 6.2.4 The proposed plat meets the required size and setbacks for the R-1-8 zone.
- 6.2.5 The subdivision will be serviced by a privately-owner lift station maintained by a Sewer Association.
- 6.2.6 The applicant is requesting a park strip waiver on Hidden Place Drive. A waiver will be recommended by engineering if the applicant selects an above ground detention basin. Park strip waiver will not be recommended by engineering if the applicant designs an underground storm water detention system.


- 6.3 **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission approves the Preliminary Plat extension for two years for a six (6) lot subdivision.


## 6.4 **CONDITIONS OF APPROVAL:**

- 6.4.1 The original plat for 5984 S 1250 W is amended, if applicable.
- 6.4.2 The plat is recorded with Salt Lake County by July 10, 2020.
- 6.4.3 A Title Report that is less than 90 days old at time of recording is submitted.
- 6.4.4 The final plat is compliant with all applicable codes and ordinances.
- 6.4.5 The applicant will comply with the requirements of all reviewing agencies.




- 6.4.6 All applicable fees paid prior to recording the plat.
- 6.4.7 All required improvements should be installed and inspected or bonded for prior to recording the plat.
- 6.4.8 The applicant will work with the City on the storm water detention basin design and installation.
- 6.4.9 Staff is authorized to issue final approval.


6.5 **DISCUSSION:** Commissioner Burggraaf wondered if Finding #6 shouldn't actually be a condition of approval, maybe worded that a park strip waiver is granted if the above ground detention basin is required by the engineer. Ms. Price agreed with that and advised it should be included in the motion. She continued on to say that there had been changes the previous Friday afternoon after the staff report was completed and that issue has actually been discussed with the City Engineer and the applicant and details are still being worked out regarding responsibility issues. Commissioner Burggraaf said he just wanted to make sure that is included, while still giving Staff the enforceability of requiring the park strip if needed. Ms. Price asked the City Engineer, Nick Patterson, if he had any relative comments. Mr. Patterson said that the drainage easement needs to be added to the plat for either above or underground as is decided upon. Ms. Price said that would be an additional condition to the motion. Commissioner Wendel asked if that meant to say a park strip waiver is granted if required on the plat for a drainage easement. Commissioner Burggraaf said that it is not being added to the Findings but rather to the Conditions of Approval.  8:34 PM Commissioner Quigley asked about the drawing on Page 8 in the Staff Report versus the displayed plat map and wanted to know what happened to the "little red tail strip piece of property". Ms. Price said she could not answer that – would be a question for the applicant because he apparently is just not utilizing that strip of land but retaining ownership.

6.6 **APPLICANT ADDRESS:** Steve Glezos was present to answer questions.  8:35 PM Commissioner Quigley asked Mr. Glezos what was going on with the sliver of land outlined in red on the image. Mr. Glezos said the survey did not include that piece now. Commissioner Quigley was okay with that explanation but then asked why this project is taking so long to complete. Mr. Glezos replied that he bought the property and began to work on it while he was semi-retired in order to take care of his wife who was very ill. Then nine months later his wife passed away, which left him feeling like nothing mattered anymore. That he had spent nine months getting flood control approval and another nine months working through the private sewer system. Then came Winter, during which he typically does not work anyway. As soon as the snow starts he shuts down his construction business until Spring. Commissioner Quigley asked if it would ever get done and Mr. Glezos said that it is all done and ready to complete now. The curb, gutter, sewer and water are in. Mr. Patterson (City Engineer) added that the City is actively working with Mr. Glezos to address the storm drainage along Hidden Place.



6.7 At this point, Commissioner Wendel opened the public hearing portion of the meeting and asked if anyone wished to speak in favor or opposition to this item to please come forward.


6.8 **SPEAKING:**  8:39 PM




6.8.1 Heather Apple said that the sewer and water lines cross each side of her property. Her biggest concern with extending the time on this project is she was not sure it would ever be done. She said she respects Mr. Glezos but she still does not have grass where the sewer line affected her front yard, which began in 2015 and her fence was damaged and still has not been fixed. That it only involves a small portion of her lawn but still makes it all look bad. She felt if there were an extension to be made she would like to have the whole thing done and finished this time. If not, she suggested that something else be put in there. She also had concerns about the size of the sewer line and wondered if that would be able to handle those six homes. She contemplated that would someday be a big problem. Commissioner Wendel asked the City Engineer to respond to that. Mr. Patterson said even though it is a private sewer/water system, he had looked at that with Taylorsville Bennion Improvement District representatives and together they felt that would be adequate to service the needs of those six homes. Commissioner Wendel suggested Ms. Apple meet with the applicant to clarify concerns about that issue.


6.8.2 Brenda Jeppson -  8:43 PM. questioned why the Commission would make Ms. Apple talk to the applicant rather than them stepping up and making an appropriate ruling in that matter. She admitted she was not as charitable as Ms. Apple because the street has been and still is a big mess, that won't be




taken care of until this whole project is finished. That the applicant has made promises that haven't been kept.  8:44 PM The whole area is covered in weeds, yet Code Enforcement comes along and threatens Ms. Apple to clean up her area, which was not her doing in the first place. **Mr. Glezos** stipulated that Heather Apple has been great to work with and he assured the Commission that as soon as a decision is made as to where the sidewalk is going to be put he will pour that and replace the fence and lawn at the same time. That has always been his plan.  The sidewalk will go in before the homes are started.



6.8.3 **Mr. Jeppson** expressed frustration with the lack of progress made by Mr. Glezos. He was hopeful that Mr. Glezos will honor his word this time. He also would like some type of assurance from the City regarding the sliver of land to make sure the status thereof. **Ms. Price** advised she will furnish Mr. Jeppson with a copy of the preliminary plat map, which will clarify that matter.  8:55 PM


6.8.4 **Brandon Glazier**  8:56 PM commented that dust is a constant problem with this site and the water lines have created an issue with mud. Everything is half done. He also expressed concern about the quality of workers being hired by Mr. Glezos to do this as he felt they were not the best possible choice.  8:58 PM He expressed concern about the drop off on the side of the property, which is a serious fall hazard. **Ms. Price** added that a retaining wall was approved for that in 2015 and is still a requirement. **Mr. Glazier** advised that he would like to see that wall put in right now because he felt it was a bit problem. **Ms. Price** said she would look into these issues and get back with answers for **Mr. Glazier** as soon as is possible.  9:03 PM



6.8.5 **Jeff Severt**  9:04 PM gave some history for the site saying that the neighbors had made arrangements with Taylorsville City about 15 years ago wherein along Hidden Place, all the way down to the very end to do something about the ditch and County road which dropped down six feet and was full of weeds and junk. The proposal was that the neighbors beautify that area, which was done with trees being planted, fill dirt to fill in the ditch. In turn the neighbors had asked Taylorsville to help with lighting and water, which they did. Taylorsville subsequently gave the neighbors the property, saying it was theirs to take care of, which has been done. In regard to the problem Heather Apple is experiencing, it is different for her because her property is higher. **Mr. Severt** lives on the very top of the grade, so it is level but as it transits down the hill it is a significant change in grade, but it is nicely landscaped. He would like it to remain looking like a country lane. His main concern is on the back of his property there is a drainage pond and when this project is built, there will be two homes there. Originally it was a low-grade pond, with no digging involved in making it. It was his understanding that Taylorsville and Salt Lake County said that was how it would remain and never change. Now it has changed and there is a pond that is six feet deep with a bank on both sides. That Mr. Glezos had agreed to leave that area intact but that has not been the case and **Mr. Severt** has had to move his swimming pool because the pond has extended to the west right up to his fence line. That the pond is now huge, and he was not sure that size was necessary. He wondered what is going to happen when Mr. Glezos erects the proposed fence, which will extend from the back of Mr. Severt's house to the canal, with no drainage access available for the people in the cul-de-sac. He was told that the County had to dig the hole deeper and longer and when he contacted them, they said that they had not said that. In talking with Taylorsville, he was informed the original size was adequate and didn't need to be bigger but now it is significantly larger and deeper. **Mr. Severt** said he would appreciate a little clarification on that matter. He has never seen a drainage pond in other subdivisions being that large. **Commissioner Wendel** referred that question to the City Engineer, Nick Patterson to answer. **Mr. Patterson** said the drainage ditch on the south side of the property is designed to just serve the subdivision. The flood control permit does not allow a discharge into the canal, so that is the reason the pond must be larger to accommodate infiltration and evaporation. The other drainage discussed is from Hidden Place Drive, so there would be a drainage basin along Hidden Place Drive to collect the public water coming down there, not the private water, which is the reason for the detention basin is for on the south side. **Mr. Severt** wondered who sets the





requirements for the flood pond which dumps off of the cul-de-sac itself. **Mr. Patterson** said that it is designed for and is the right size for the 100-year storm event, based on the slope of the property and the discharge rate. A geo-technical report has been obtained for this site. That the pond will remain the size it is right now for the foreseeable future, but the storage volume is controlled by Taylorsville, which is subsequently impacted by the depth.  9:11 So, for right now it meets all requirements.


6.8.6  9:14 PM **Ms. Price** wanted to make a point of clarification on the retaining wall. She indicated there is no specific height requirement noted on the original public hearing just a requirement that a retaining wall will be installed. That all fences are usually six feet high and if approved by the Director they can go to eight feet high unless they are at an intersection, which necessitates a stipulation to meet the clear zone requirements.  9:14 PM

6.8.7 **Mrs. Meredith Glazier** talked from the audience stating they had experienced a problem with dust emanating from this construction area.  9:15 PM **Ms. Price** encouraged her to call the building department with those concerns. She came to the microphone, gave her name and reiterated her comment about the excessive dust problem.




6.8.8 **Andrew Brown**  9:16 PM **Mr. Brown's** concerns echoed his neighbors but he mainly had a problem with the two-year extension as he has seen very little progress thus far. He wanted to know what would happen if the two-year extension were not granted. **Commissioner Wendel** said that the property owner has rights of ownership within the realm of compliance with codes and ordinances. She asked Mr. McGrath to give his perspective. **Mr. McGrath** said that in order for the City to issue a denial there must be a demonstrated violation of subdivision standards. The way State law is written, if the property owner can demonstrate compliance with the City's adopted standards for subdivisions, they are guaranteed an approval.  9:18 PM **Mr. Brown** said that if it is still Mr. Glezos' property as it is, is he not required to maintain for instance weed height. Right now, it looks very bad, with the six-foot-high weeds and constant dust issues. **Commissioner Wendel** agreed that things need to get better and to encourage Mr. Glezos that if this is approved, all codes and ordinances apply to him as the property. She encouraged the neighbors to call the City Code Enforcement Department to let them know what is going on here on this site. **Mr. Brown** said not only does the site look bad, but it is very dangerous, and he cannot allow his children to play outside because of the construction trucks. That the two-year period extension is not acceptable to him.

6.8.9 **Commissioner Quigley**  9:21 PM stated that this is the Planning Commission and while its members can be sympathetic to the neighbor's concerns the only ones who can really do anything about those is the Mayor and their City Council representative so the citizens need to get them involved. The Planning Commission merely makes recommendations to them.

6.8.10 **Brian Holder**. **Mr. Holder** is a friend of Mr. Glezos and advised that Steve Glezos is a good person but is offering no excuses for the long time this has been going on. That Mr. Glezos has hauled out a tremendous amount of garbage from this site already and he is certain that this will be a quality project when finished. **Commissioner Wendel** suggested that everyone's patience is running thin, especially with the condition of the road.  9:26 PM **Commissioner Barbieri** said that she is sympathetic to Mr. Glezos' difficult period in his life and wondered if it might be a good time to sell this off to another developer to finish.



6.8.11 **Charyn Wood**.  9:26 PM **Ms. Wood** wanted to make a point about the road – that the City cannot repair it until the development is finished. She, therefore, suggested a shorter extension of time. She also wondered why Heather Apple is getting threats from Code Enforcement and Mr. Glezos is not, even though there are way more people calling in complaints about his property. **Commissioner Wendel** again suggested that people contact the Mayor or City Council representative with these types of concerns. That the action would probably be much quicker taking that route.



6.8.12 **Commissioner Burggraaf**  9:28 PM said in regard to the questions about extension time lengths, that the original application was filed in May 2015, with an extension two years from there to 2017, then a one year extension bringing it to 2018. He was confused as to why it is July now and looking it again. He was under the impression that essentially this is just being starting from scratch with an approval of a preliminary plat tonight. **Mr. McGrath** said that was correct. **Ms. Price** said that as Staff started working with the applicant back in November when it was realized that the plat had been expired for several months. The applicant had not reached out to the City and Staff was not working on the application at all. When the applicant did come back to the City last Fall, **Mr. McGrath** gave him a one-year extension from when the plat would have expired. In working with the applicant, he told Staff he would be done in January and then it was February, then March and June, therefore, the Director (Mr. McGrath) granted another one-month extension because Mr. Glezos just had a couple of things to complete before he could record the plat. That is why the extension process has been pretty much exhausted at Staff level and why it was brought back to the Planning Commission to re-start the process all over again.  9:29 PM **Ms. Wood** felt that was not fair to have the neighborhood suffer for that instead of Mr. Glezos. **Ms. Price** said that the process is governed by State law and not something over which the City has any jurisdiction, in that if the subdivision meets City Code, it must be given preliminary approval. **Commissioner Wendel** again suggested neighbors contact their City Council representative and attend City Council meetings, which have citizen comment segments to allow anyone wishing to do so to speak to any issue. She said the next meetings are July 18 and Aug 1, 2018.  9:31 PM



6.9 There being no others wishing to speak, **Commissioner Wendel** closed the public hearing and opened the meeting for discussion or a motion.

6.10 **DISCUSSION:**


6.10.1 **Commissioner Burggraaf** -  9:33 PM said for clarification that many of the concerns voiced this evening would more appropriately be addressed City officials, elected or otherwise, because they fall essentially within the City nuisance ordinance and the need for abatement. Also, to be clear, he said it falls within the civil realm. If the City is not dealing with a nuisance in a way that local residents would like to see dealt with differently or in a different time frame, then there is always the civil remedy. It is always better if citizens can work it out amongst themselves. He felt that the extra piece of land described as a "tail" that is not showing on the plat originally was a GIS discrepancy but the way it is being discussed now it is in the Assessor's records which means it is not being dealt with through the platting process. It is essentially being subdivided off, which will remain as an orphaned parcel that clearly must be dealt with in some way because it is part of the larger piece. He was not sure why something was not being done with that during this process. He asked if Staff had an answer for that. It may be in the canal, but it is still a parcel with an easement that the canal runs over the top of.  9:34 PM


6.10.2 **Mr. McGrath** said that he did not know the situation without further research. That it sounds as if there has been some survey work done but he would need more information in order to give an answer. Probably what ought to happen if that is in fact an orphan parcel, it ought to be quit claimed to whoever appropriately should have that property. **Commissioner Burrgraaf** said there is no other process to fix this and it should be a condition for approval. **Mr. McGrath** agreed but reiterated he would need more time for adequate research. That if the approval is conditioned on that, the City's bases are covered. **Commissioner Wendel** asked if a condition should be added and **Mr. McGrath** suggested the wording be related to the remnant parcel in the canal easement. that should be added to the motion. She asked what the resolution should be, for example to identify who it belongs to or what. **Commissioner Quigley** asked Mr. Glezos if that does exist if he would be willing to donate it the adjacent property owner through a quit claim deed, to which **Mr. Glezos** replied that he would be willing to do so. **Commissioner Burrgraaf** added that will not go away any other way. **Mr. McGrath** suggested that the Commission add it as an approval condition contingent upon letting Staff clean it up.




- 6.10.3 **Commissioner Peterson** said tonight the Commission is considering a preliminary plat on a subdivision that has not been recorded yet and that work has already been done on the site. **Mr. McGrath** said that is the issue driving the frustration here. It is based on a change that the State of Utah made a few years ago that eliminated the City's ability to require bonding for subdivisions. The State change gave the development community the option of not bonding and basically go in and put in the improvements and just turn the improvements over to the City. Historically, the way it had been done was once a subdivision was approved, basically the very first thing the City would do, and what is still done in most cases, is require the developer to issue a bond for all of the improvements (sewer, roads, sidewalks, etc.). Then there is an amount of money held in a bank so that if the developer doesn't successfully install all of those improvements there is a pool of money that in theory the City could call the bond and go in and use that money to install the improvements. The change made by the State eliminating the City's ability to do that. Now developers can either bond for their improvements or just put them in and turn them over to the City at the time the plat is recorded. That is what happened in this particular situation.  9:39 PM **Commissioner Peterson** said just to understand correctly, State law allows the developer to go ahead and make improvements without formal approval on a preliminary plat. **Mr. McGrath** said that was correct. At the time of recording the plat they can turn the improvements over to the City. **Commissioner Peterson** felt that was difficult to understand the reasoning for that because things can certainly change between preliminary and final approvals and would seem to tie the hands of the City to carry out any type of enforcement. He did notice that in the Code it allows under the excavation and grading activities that there are ways to enforce the idea of dust suppression use but apparently that the City isn't following up on enforcement of that. **Mr. McGrath** said, again, these improvements are being done without knowledge of or oversight by the City.
- 6.10.4 **Commissioner Burggraaf** said what they have done is before final approval this gives them time to put the infrastructure and landscaping in between preliminary and final approval. The alternative would be if the City has codified it, the final plat can be approved the final plat with the warrantee or surety bond so that improvements can go in a certain time frame. They are doing the first one and not the second one. He asked if there were provisions in City ordinance for the latter, for allowing final plat approval with a surety bond or assurance warranty bond for completing improvements. **Mr. McGrath** said there is some language in the ordinance that is not now compliant with State law, so it is not enforceable. That Staff is in the process of drafting an amendment to those ordinances, but it is extraordinarily complicated to figure out a way to get a good product on the street and still be compliant with the State law and project adjacent neighbors and future residents of the subdivision. **Commissioner Burggraaf** said that in his private occupation he had done this for Kane County and he felt that the City's legal department should be apprised of this as an option to make sure the City is compliant with Title 10, Chapter 9A, Section 604.5. He felt that the City needs something in the ordinance to make sure those improvements are done up to City standards. **Mr. McGrath** said that the City brought on a consultant with a larger, global type project to look at all our fees across the board. All development, bonding and bonding processes, etc. It is in the works at this point and parts of that will be brought to the Planning Commission in the near future. **Commissioner Barbieri** asked if the City has any leeway regarding the length of the extension. **Mr. McGrath** said that two-year period is in ordinance and he felt there was no leeway there. What could be done is instruct Staff to not issue any additional extensions.
- 6.10.5 **Ms. Price** offered a suggested list of approval conditions:  9:46 PM (1) Get on the public record as a condition for approval is that the retaining wall for the Glazier family will be shown on the civil set and will met fencing requirements, both height and sight visibility triangle, address for which is 5959 South Hidden Place Drive. **Mr. McGrath** added that he would be agreeable to placing a condition on that installation to be done within 30 days of approval (July 10, 2018) especially because this is a life safety issue. (2) Storm water easement on Hidden Place Drive. (3) The park strip waiver on Hidden Place Drive that will be dependent upon recommendation from the City Engineer – either under or above ground storm water retention basin. **Commissioner Wendel** said she had written down a park strip waiver is granted, if required. **Commissioner Burggraaf** commented that he would leave off "if required", just so the Commission is not abdicating their



responsibility to make a decision. (4) The applicant and City Engineer will work on a storm water retention design on Hidden Place Drive. (5) That the sliver of property previously addressed will be dealt with. For the applicant to either include that as part of the plat or will quit claim deed that to the adjacent property owners.  9:48 PM

6.10.6 **Commissioner Burggraaf** asked if Staff is requiring the fence be shown on the civil set, or just that the retaining wall is? To which **Ms. Price** replied in the affirmative. **Commissioner Burggraaf** asked if the legal department had any concerns about this being preliminary plat approval – looking at a two- year window. He asked if she had any issues with the condition of saying they must install the retaining wall and fence within 30 days, when the decision is really based on the preliminary plat approval. He was asking specifically about the time frame. **Ms. Shelman** (Deputy City Attorney) said she had no problem with that.  9:51 PM Commissioner Burggraaf then said he was ready to make a motion.


6.11 **MOTION:**  9:51 PM **Commissioner Burggraaf** – I move that we approve File 3S15 for a preliminary plat for two years, 6 lot subdivision located at 5980 South 1250 West based on the findings and conditions of approval as stated in the staff report with the following additional conditions for approval:

 9:51 PM (1) On the civil set a drainage easement be included related to Hidden Place Drive as will be approved by the City Engineer; (2) That a park strip waiver be conditionally granted if an above ground detention is recommended by the City Engineer but not granted if an underground storm water retention is recommended by the City Engineer and that park strip waiver would apply to the spots specifically indicated in the staff report; (3) That the property owner would research the remnant parcel, that has been referred to as the property tail as was shown in the staff report and that that parcel would either be included on the final plat or otherwise quit-claim deeded prior to final approval; (4) That the civil set would also show a retaining wall and that a retaining wall and fence as indicated on Water Way would be constructed within 30 days of approval of the preliminary plat; (5) That the applicant and City Engineer will work on storm water retention on Hidden Place Drive. **Commissioner Barbieri** – Just add in the retaining wall will be compliant with City Code. **Commissioner Burggraaf** – So added.

**SECOND:** **Commissioner Quigley**

**Commissioner Wendel** repeated the motion.  9:54 PM

**VOTE:** **Commissioner Peterson** - AYE, **Commissioner Barbieri** - AYE, **Commissioner Quigley** – AYE, **Commissioner Burggraaf** – AYE – **Commissioner Warnas** – AYE. Motion passes unanimously

**CITY COUNCIL MEETING DISCUSSION.** **Ms. Price** reviewed what transpired during the last City Council meeting.  6:47 PM

**ADJOURNMENT:** By motion of **Commissioner Quigley**, the meeting was adjourned at 9:55 p.m.

Respectfully submitted by:

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Jean Gallegos, Admin Asst/Recorder for the  
City of Taylorsville Planning Commission

Approved in meeting held August 14, 2018